

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

JANICE CHIN
16988 Southwest 33rd Court
Miramar, Florida 33027

Plaintiff

v.

HILTON MANAGEMENT, LLC
Agent: Corporation Service Company
3366 Riverside Drive, Suite 103
Upper Arlington, Ohio 43221

Defendant

Case No.:

**COMPLAINT
WITH JURY DEMAND**

Plaintiff Janice Chin brings this complaint for compensatory damages against Defendant Hilton Management LLC (“Hilton”), alleging as follows:

STATEMENT OF FACTS

PARTIES & JURISDICTION

1. Plaintiff Janice Chin is a resident of the State of Florida.
2. Defendant Hilton Management LLC is a resident of the State of Delaware and has its principal place of business in the State of Virginia.
3. This Court has original jurisdiction under 28 U.S.C. §1332(a)(1) because this is a civil action where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between citizens of different States.
4. Venue is proper because the events giving rise to Plaintiff Chin’s Complaint and causes of action took place in Cuyahoga County, Ohio.

MS. CHIN'S STAY AT THE HILTON CLEVELAND DOWNTOWN

5. Plaintiff Chin is a flight attendant for Southwest Airlines.

6. On the evening of September 28, 2021, Ms. Chin arrived at the Hilton Cleveland Downtown Hotel ("Hilton Cleveland"), located in downtown Cleveland, Ohio, for an overnight "layover" stay between flights. Ms. Chin stayed at the Hilton Cleveland as an overnight guest during the overnight of September 28-29, 2021.

7. Defendant Hilton is the operator and manager of the Hilton Cleveland.

8. As owner and operator of the Hilton Cleveland, Defendant Hilton is responsible for the maintenance of the premises of the Hilton Cleveland and for ensuring that those premises are safe for guests of the hotel.

9. Ms. Chin was a business invitee, frequenter, and guest of Defendant Hilton and the Hilton Cleveland.

10. On September 29, 2021, the floor outside the elevators and in the lobby area of the Hilton Cleveland was in a dangerous and slippery condition.

11. Defendant Hilton had actual and constructive notice that, on September 29, 2021, the floor outside the elevators and in the lobby area of the Hilton Cleveland was in a dangerous and slippery condition.

12. A pilot and a flight attendant who, on the morning of September 29, 2021, walked in the vicinity of the Hilton Cleveland where Ms. Chin later fell advised her, after her fall, that the floor felt slippery and oily to them when they walked on it.

13. The flight attendant also advised Ms. Chin that she had encountered a Hilton employee that morning who told her that he had just fallen in the lobby area.

14. On September 29, 2021, around noon, Ms. Chin descended in an elevator from her room to the Hilton Cleveland's lobby area. She was on her way to meet a transport vehicle that would take her and other Southwest airline crew members from the Hilton Cleveland to Hopkins Airport, where she was scheduled to serve as a flight attendant on a departing Southwest flight.

15. Ms. Chin was alone in the elevator.

16. As Ms. Chin stepped from the elevator onto the tile floor outside the elevator, her foot immediately slipped on the floor surface, which was slippery and seemed to be covered with an oily and/or greasy film. There was no grip at all when she placed her foot on that surface.

17. As a result of her foot slipping on the oily/greasy floor, Ms. Chin slipped and fell to the floor and was seriously injured.

18. Ms. Chin had no notice of the slippery condition of the floor outside the elevator. The floor appeared to be made of a tile material. There was no obvious defect in or liquid upon the floor. As she emerged from the elevator and stepped onto the floor, Ms. Chin had no reason to believe that the floor was slippery or covered with an oily and/or greasy film.

THE DANGEROUS CONDITION IN THE LOBBY

19. On September 29, 2021, at the time of Ms. Chin's fall, the floor outside the elevators near the Hilton Cleveland lobby was in a dangerous condition and was unreasonably slippery.

20. The floor appears to have had a slippery, oily, and/or greasy film on it.

21. Upon information and belief, Defendant Hilton and its cleaning personnel used and failed to properly remove cleaning products that left a slippery film residue on the floor outside the elevators at the Hilton Cleveland and rendered that floor dangerous and unreasonably slippery.

22. In the alternative, Defendant Hilton and its cleaning personnel failed to eliminate a slippery condition on the floor outside the elevators of the Hilton Cleveland that was otherwise created and that rendered that floor dangerous and unreasonably slippery.

23. Immediately following her fall, Ms. Chin was approached by a woman and man who appeared to be front desk employees at the Hilton Cleveland.

24. The woman and man asked Ms. Chin what happened. She told them that she had stepped and slipped.

25. The woman and man examined the floor at the location where Ms. Chin slipped. The woman moved her foot back and forth along the floor. She then told the man to alert housekeeping.

26. The dangerous and slippery condition of the floor put Hilton Cleveland guests, including Ms. Chin, at risk of slipping, falling, and being injured.

27. The dangerous and slippery condition of the floor was the result of the negligence of Defendant Hilton and its employees and/or agents.

28. Defendant Hilton and its employees and/or agents negligently created and/or allowed to exist and/or failed to eliminate the dangerous and slippery condition of the floor.

29. Defendant Hilton failed to give Ms. Chin or other guests proper notice or warning of the dangerous and slippery condition of the floor outside the elevators near the lobby.

30. Defendant Hilton's failure to give proper notice and warning of the dangerous and slippery condition of the floor outside the elevators near the lobby put Ms. Chin and other guests at risk of slipping, falling, and being injured.

31. The failure to give Ms. Chin or other guests proper notice and warning of the dangerous and slippery condition of the floor outside the elevators near the lobby was the result of the negligence of Defendant Hilton and its employees and/or agents.

32. As a direct and proximate result of the negligence of Defendant Hilton in creating and/or allowing to exist and/or failing to eliminate the dangerous and slippery condition of the floor, and otherwise, Plaintiff Chin slipped, fell, and was injured.

33. As a direct and proximate result of the negligence of Defendant Hilton in failing to give Ms. Chin proper notice and warning of the dangerous and slippery condition of the floor, and otherwise, Plaintiff Chin slipped, fell, and was injured.

ACTUAL & CONSTRUCTIVE NOTICE OF THE CONDITION

34. Prior to Ms. Chin's slip and fall, Defendant Hilton had actual and constructive notice of the dangerous and slippery condition of the floor outside the elevators near the Hilton Cleveland lobby that proximately caused her slip, fall and injuries.

35. Following her fall, Ms. Chin spoke to a fellow Southwest Airlines flight attendant and a Southwest Airlines pilot who had also stayed overnight at the Hilton Cleveland on September 28-29, 2021 and who had come down to the lobby earlier than Ms. Chin on September 29, 2021.

36. Both the flight attendant and the pilot told Ms. Chin that, when they traversed the floor in the vicinity of where Ms. Chin later fell, the floor felt slippery and oily to them.

37. The flight attendant told Ms. Chin that her feet felt very slippery on the floor, as if some oily substance was all over it.

38. The flight attendant also encountered a Hilton employee who told her that he had just fallen in the lobby area.

39. Defendant Hilton had actual and constructive notice of the dangerous and slippery condition of the floor where Ms. Chin slipped and fell before she slipped and fell.

40. Defendant Hilton had actual knowledge of the dangerous and slippery condition of the floor, in part, because its own employee fell on that floor shortly before Ms. Chin slipped and fell.

41. Defendant Hilton had constructive notice of the dangerous and slippery condition of the floor, in part, because that dangerous and slippery condition was apparent to others who traversed the area shortly before Ms. Chin slipped and fell.

THE CONDITION CAUSES MS. CHIN SERIOUS INJURY

42. As a direct and proximate result of her fall, and Defendant Hilton's negligence, Plaintiff Chin suffered serious injuries, including injuries to her neck, back, and ankle. Due to her injuries, she has been unable to return to work and has suffered damages as a result.

CAUSE OF ACTION

43. Plaintiff Chin incorporates all of the foregoing allegations into this cause of action. This cause of action sounds in negligence and premise liability law.

44. Ms. Chin was an invitee or frequenter of the Hilton Cleveland, which was operated and managed by Defendant Hilton. As such, she was owed a duty of reasonable care. In this instance, Defendant Hilton owed her a duty to keep the premises in a reasonably safe condition and free from slippery surfaces in the elevator lobby, including the oily slick that caused her fall. Defendant Hilton also owed Ms. Chin a duty to provide warning of any known or suspected slippery surfaces in the elevator lobby, including the oily slick that caused her fall. And Defendant

Hilton owed Ms. Chin a duty to periodically monitor, clean, and remediate the elevator lobby's floor given the pedestrian traffic in that area.

45. Defendant Hilton further owed a heightened duty of care and heightened degree of care to Ms. Chin arising out of its operation of an elevator at the Hilton Cleveland.

46. Defendant Hilton breached one or more of its duties. As a direct and proximate result of Defendant Hilton's negligence, Ms. Chin suffered a fall and serious injuries, including injuries to her neck, back, and ankle that required extensive medical treatment and resulted in a period of disability from her employment as a flight attendant. She also suffered other economic and non-economic damages, harms, and losses.

PRAYER FOR RELIEF

Therefore, Plaintiff Janice Chin demands judgment against Defendant Hilton Management LLC on this complaint for compensatory damages in an amount in excess of \$75,000. She also seeks any and all other appropriate relief, including pre- and post-judgment interest, costs, and such other relief available under the law.

JURY DEMAND

Pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, Plaintiff demands a trial by jury.

Respectfully submitted,

s/ Drew Legando

Drew Legando (0084209)

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